

To: CN=Carolyn Yale/OU=R9/O=USEPA/C=US@EPA[]
Cc: CN=Erin Foresman/OU=R9/O=USEPA/C=US@EPA;CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA;CN=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA;CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]; N=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA;CN=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA;CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]; N=Sam Ziegler/OU=R9/O=USEPA/C=US@EPA;CN=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]; N=Tom Hagler/OU=R9/O=USEPA/C=US@EPA[]
From: CN=Bruce Herbold/OU=R9/O=USEPA/C=US
Sent: Fri 11/20/2009 6:34:27 PM
Subject: Re: Fw: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.

the second basic purpose given is:

"restore and protect the ability of the SWP and CVP to reliably divert and deliver water up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis & Delta Mendota Water Authority (SLDMWA)."
which part of that are they not doing now? The only portion in there that I see is "full contract amounts," but it is unclear to me that they could do that under any conditions short of San Joaquin floods. Am I wrong? Is it not another clear inability to state what "water supply reliability" consists of?

B

From: Carolyn Yale/R9/USEPA/US
To: Karen Schwinn/R9/USEPA/US@EPA, Tom Hagler/R9/USEPA/US@EPA, Bruce Herbold/R9/USEPA/US@EPA
Cc: Erin Foresman/R9/USEPA/US@EPA, Sam Ziegler/R9/USEPA/US@EPA
Date: 11/20/2009 09:00 AM
Subject: Fw: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as submitted by DWR.

A heads up from Mike Nepstad. (Have we had recent discussion with the COE and/or BDCP folks on Section 404?)

Will check in with Karen re follow up. (I'd say we need a preliminary talk with COE to iron out understanding re reframing purpose statement.)

C

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----- Forwarded by Carolyn Yale/R9/USEPA/US on 11/20/2009 08:39 AM -----

From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>
To: "Clay, Lisa H SPK" <Lisa.H.Clay@usace.army.mil>, Carolyn Yale/R9/USEPA/US@EPA, Erin
Foresman/R9/USEPA/US@EPA
Date: 11/20/2009 08:23 AM
Subject: Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation
Plan as submitted by DWR.

<<BDCP_Draft_Purpose_Statement_10-23-09.doc>>

Attached are the Draft Basic and Draft Overall Purposes for section 404 for the Bay Delta Conservation Plan as
submitted by DWR.

I disagree with their Purposes. I think they are attempting to so narrowly define their project as to preclude
looking at any alternatives other than a new canal.

I believe the Basic Purposes of the BDCP is:

- 1) Surface water supply
- 2) Establish fishery habitat

I believe the Overall Purposes of the BDCP is:

- 1) Provide a surface water supply to the South of Delta Water Users which are part of the BDCP
- 2) Establish Bay Delta fishery habitat to offset the impacts of the historic operations of the CVP and SWP

What we don't have is a description of who will get the water and the Needs of the project; How Much Water (and
when and at what quality) and How Much Fishery Habitat (and what specifically is fishery habitat in this project).

What do you all think?

If you're all in agreement with what I have here then the next step would be for us all to meet with DWR and
Reclamation and NMFS and USFWS (the state and federal Lead Agencies) at a single meeting and inform them of
our determination so they all hear it at once and we all are available to answer any questions they may have.
And obviously, if we're not in agreement then we'll work this out among ourselves before we meet with DWR and
Reclamation and NMFS and USFWS

Carolyn and Erin, If there are others at EPA who should weigh in on this please get their input on this.

Thanks, Mike [attachment "BDCP_Draft_Purpose_Statement_10-23-09.doc" deleted by Bruce
Herbold/R9/USEPA/US]